

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

vs.

AVIA S. TURNER

Defendant

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* Case no. d9 - 1316M

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REQUEST FOR DISCOVERY

Defendant, by and through counsel, pursuant to Fed R. Crim. Pro 16, and relevant discovery mandated by the Constitution of the United States, requests discovery of the following items and information:

1. Statement of the Defendant: Any relevant written or recorded statements made by the defendant within the possession, custody or control of the Government.

2. Oral statement of the defendant: The substance of any oral statement which the government intends to offer in evidence at trial, made before or after the arrest by in response to interrogation by any person then known to the defendant to be a government agent.

3. Recorded testimony of the defendant before a grand jury: Inspection and copying of recorded testimony of the defendant before a grand jury which relates to the offense charged.

4. The defendant's prior criminal record: Inspection and copying of the defendant's prior criminal record, if any, as is within the possession, custody, or control of the government, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the government.

5. Documents and Tangible Objects: Inspection and copying of photograph books, papers, documents, photographs, tangible objects, buildings or places, or copies or portions thereof which are within the possession, custody or control of the government, and which are material to the preparation of the defendant's defense or are intended for use by the government as evidence in chief at the trial, or were obtained from or belong to Me defendant

6. Reports of Examinations and Tests: Inspection, copying and/or photographing any results or reports of physical or mental examinations, and of science tests or experiments, or copies thereof, which are within the possession, custody, or control of the government, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the government, and which are material to the preparation of the defense or are intended for use by the government as evidence in chief at the trial.

7. Grand Jury Transcripts: Inspection and copying of any grand jury transcripts discoverable under Rules 6, 12(i) and 26.2, and subdivision (a)1)(A) of this rule.

8. Pursuant to *Brady v. Maryland*, 373 U.S. 83, 87 [1967] and *Giglio v. United States*, 405 U.S. 150, 154, [1972]:

a. All information which may in any way itself may constitute, or is reasonably calculated to lead to, impeachment material for Government witnesses. This may include, but is not strictly limited to,

[1] Specific instances of conduct by a witness relating to the witness's credibility or character for truthfulness;

[2] Evidence in the form of opinion or reputation as to a witness's character for

truthfulness;

[3] Prior inconsistent statements by the witness employed by the Government; and,

[4] Information that may be used to suggest that the witness is biased

[5] Any finding of misconduct that reflects upon the truthfulness or possible bias of the employee, including a finding of lack of candor during any proceeding or inquiry;

[6] Any past or pending criminal charges brought against the witness employed by the Government;

[7] Any credible allegation of misconduct that reflects upon the truthfulness or possible bias of the employee that is the subject of a pending investigation;

NOTE: Continuing Duty to Disclose: If, prior to or during trial, a party discovers additional evidence or material previously requested or ordered, which is subject to discovery or inspection under this rule, such party shall promptly notify the other party or that other party's attorney or the court of the existence of the additional evidence or material.

James Brewster Hopewell, Esquire
USDC-MD Trial Bar no. 155
6309 Baltimore Avenue; Suite 201
Riverdale, Maryland 20737
Telephone: 301/699-0031
Telecopy: 301-864-7618
jbhopewell@verizon.net

CERTIFICATE OF SERVICE

I hereby certify that on July 17, 2009, a copy of the foregoing Request For Discovery was mailed, via ECF and regular mail, postage prepaid, to:

Office of the United States Attorney
Courthouse
6500 Cherrywood Lane
Greenbelt, Maryland 20770.

==== /s/ =====

James Brewster Hopewell, Esquire